IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL, 2007 / 13TH CHAITHRA, 1930

WP(C).No. 11527 of 2007(V)

PETITIONER:

T.P.VISWANATHAN NAIR,
AGED 76, "VAZHOOR VISWAM",
S/O.PADMANABHAN NAIR, THEKKETHU HOUSE,
VAZHOOR, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOTTAYAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
PWD (ROADS DIVISION), KANJIRAPPALLY,
KOTTAYAM.

3. THE ASSISTANT ENGINEER, PWD (ROADS),
KANJIRAPPALLY.

4. THE TAHSILDAR, CHANGANASSERY,
KOTTAYAM.

5. VILLAGE OFFICER, VAZHOOR, KOTTAYAM.

6. THOMAS CHACKO, THUNDIYIL,
VAZHOOR, KOTTAYAM.

R1 TO R5 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 11527 OF 2007 V

Dated this the 3rd day of April, 2007

J U D G M E N T

The petitioner alleges that respondents 4 and 5 are taking steps to effect mutation on certain properties part of which includes the petitioner's property also in the name of the sixth respondent pursuant to Ext.P7 judgment. He submits that Ext.P7 judgment happened to be passed because respondents 1 to 3 did not properly contest the case. He therefore seeks a direction to respondents 4 and 5 not to effect mutation of the properties in favour of the sixth respondent pursuant to Ext.P7 judgment.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader.

3. Going by the Transfer of Property Rules, when a civil court decree is produced before the authorities, they have no option to effect mutation in accordance with the decree. If the petitioner is aggrieved by Ext.P7, he should initiate appropriate proceedings against the same either by filing an appeal with leave to appeal or to file a suit to set aside the judgment and

decree if it is legally possible.

Without prejudice to such remedies, this writ petition is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007